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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 CHARLES M. MCCARTHY JR.,)

12 Plaintiff(s),)

13 v.)

14 JO ANNE B. BARNHART,)
Commissioner of Social)
15 Security Administration,)

16 Defendant(s).)
17)

No. C05-4834 BZ

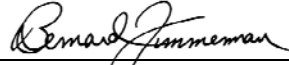
**ORDER DENYING MOTION WITHOUT
PREJUDICE**

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19 Having read defendant's response to the order to show
20 cause, **IT IS HEREBY ORDERED** that defendant's motion to dismiss
21 pursuant to Rule 41(b) or, in the alternative, for a more
22 definite statement pursuant to Rule 12(e), is **DENIED** without
23 prejudice. Defendant may renew her motion, if, after
24 receiving plaintiff's motion for summary judgment, it appears
25 that plaintiff's motion does not sufficiently focus the long
26 and somewhat rambling complaint to enable defendant to file a
27 cross-motion.

28 Plaintiff is admonished to have Rule 1 (requiring "the

1 just, speedy, and inexpensive determination of every action")
2 and Rule 8(a) (requiring "a short and plain statement of the
3 claim showing that the pleader is entitled to relief") in mind
4 when preparing his motion.

5 Dated: July 6, 2006

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7 Bernard Zimmerman
8 United States Magistrate Judge

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